



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,187	05/20/2004	Alex Brehm		7293

7590 04/28/2006
Dwight G. Diehl
117 South Juliana Street
Bedford, PA 15522

EXAMINER

SHAW, ELIZABETH ANNE

ART UNIT	PAPER NUMBER
----------	--------------

3644

DATE MAILED: 04/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Perkins (237,587). Perkins shows a means capable of displaying the position of an animal's head relative to a vertical line having a horseshoe shaped element a; a connecting means C, a display unit A comprising a window (the space within A) and an indicator B which is on a hinge within the window A and would pivot in and out of position depending upon the tilt of the horse's head from vertical. The horseshoe element a having two clips (located next to the letter indicator "a" in Fig. 1) on either side of the horseshoe element and a slot, between the clips a, col. 2, lines 49-54.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins. Perkins does not show the use of a wingnut. The Examiner takes Official Notice that replacing one type of threaded fastener with another or with another fastener of a

Art Unit: 3644

different method is well known common knowledge. With respect to claim 3, to use a wingnut in place of the bolt system of Perkins would have been obvious to one skilled in the art as a replacement of functional equivalents.

Allowable Subject Matter

Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection. Upon further consideration, the allowability of the subject matter previously in claim 2, now claim 1, has been withdrawn.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Shaw whose telephone number is 571-272-6908. The examiner can normally be reached on M-Th 10:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3644

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth A. Shaw
Examiner
Art Unit 3644

April 24, 2006



TERI PHAM LUU
SUPERVISORY
PRIMARY EXAMINER